EXPLANATION OF

01

# فروع الفقه

## Ibn Al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allah (سبحانه و تعلى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه و تعلى) keep him sincere and continue to shower his life and da'wah with His blessings and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allah make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allah facilitate the completion of this Sharh, and shower him with His aid always and forever.


SH_AHMAD_JIBRIL

SHAYKH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

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بسم الله الرحمان الرحيم الحمد لله حمد الشاكرين و الشكر له شكر الحامدين تبارك ربنا و تقدس له جميع المحامد و أشهد ان لا إلٰه إلا الله وحده لا شريك له تمت كلمته و عمت رحمته و فاضت نعمته و أشهد أن سيدنا و نبينا محمداً البشير النذير صلى الله و سلم و بارك عليه و على آله و أصحابه والتابعين و من تبعهم بإحسان إلى يوم الدين أما بعد

*In the Name of Allah, the Most Beneficent, the Most Merciful – all praises and thanks be to Allah – the praise and thanks of the grateful ones, and thanks be to Him from the thankfulness of those who praise Him. Blessed and Holy is our Lord, all thanks and praises due to Him. And I testify that there is no god but Allah Alone with no partner. His Word is complete, and His Mercy is widespread, and His blessings are abundant. And I testify that our Master and Prophet is Muhammad - the warner, and the bringer of glad tidings – may the peace and blessings of Allah be upon him and his family and companions, and their successors, and whomever follows them with sincerity in striving for perfection until the Day of Recompense, as for what follows:*

The book we're going to start on is called Furū' Al-Fiqh, by Yūsuf Ibn Hasan Ibn Ahmad Ibn Hasan Ibn Abdulhādi As-Sālihi Jamāl Ad-dīn Ibn Al-Mibrad. Before we talk about the book and we branch off, let's talk about the author. He's from Damascus, Syria – from a historic town of As-Sālihiyya, which is at the foot of Mount Qāsiyūn. After the Crusaders invaded Palestine 'Āl-Qudāmah, which is the family of Qudāmah – they fled Palestine to this area and settled in this area. And who's from that family? 'Āl-Qudāmah – Muwaffaq Ad-Dīn Ibn Qudāmah – whose one of the most notable 'Ulamā' of the Hanbali Madhhab, of all times. He served the Madhhab extensively through various books. He wrote some books for beginners, some books at the intermediate level, and some advanced like Al-Mughni - the brown book. Ibn Qudāmah رحمه الله تعلى established a masjid that's still standing today, it's called Masjid Al-Hanābila, and that's how the Hanbali Madhhab became popular in that town.

Between the death of the great Hanbali Imām Ibn Qudāmah and the birth of this author here, Ibn Al-Mibrad – is approximately 220 years. Ibn Al-Mibrad's lineage goes back to the lineage of 'Umar Ibn Al-Khattāb رضي الله عنه. He actually has a poem detailing his lineage all the way back to 'Umar. His name is disputed. Is it Ibn Al-Mibrad? Or is it Ibn Al-Mabrad with a fatha on the meem, or is it Ibn Al-Mubarrid? Which doesn't really matter, but Mahmūd Al-'Arna'ūt said the majority chose Ibn Al-Mibrad and that's what I settle with. He was born 840 years after the Hijrah, so he wasn't of the early level of scholars – meaning the early centuries – nor is he contemporary. He's actually right around the middle. He died around 500 years ago. That's not too far back with the early Salaf, and it's not contemporary as well.

He learned with the biggest 'Ulamā' of his time, and that's how one develops in 'Ilm and excels. 'Ilm is taken from 'Ulamā'. In fact, the best, most knowledgeable 'Ulamā' of Haqq on our time, they're the ones that took or had a vast background in learning from various Shuyūkh on various sciences. Like Shaykh Hamūd Al-'Uqlah رحمة الله تعالى عليه or Shaykh 'Ali Al-Khudayr فك الله أسره, they had a variety of 'Ulamā' on various sciences, and that gave them the bedrock foundation to build on and excel. One of Ibn Al-Mibrad's students, Shamsuddīn Ibn Tulūn, he wrote a biography, a large volume, and it was a biography on his Shaykh. And sometimes what may appear to be the success of the da'wah of a certain Shaykh, of course, it's from Allah سبحانه و تعلى – but after that, the students play a big role as a means, and sometimes that's where the failure comes as well.

Ibn Al-Mibrad رحمه الله authored over 400 books. Some are printed and some, Az-Zarkali says that there's still manuscripts in the Dhāhiriyyah or Asad Library in Syria. He wrote on Fiqh, on Hadith, on grammar, on Tafsīr, on history, even on medicine. One of his books, and it's actually the only book of his I read in the past, is a two-volume book called Zubadil 'Ulūm. It contains over 40 sciences. He actually wrote a whole volume with just the titles of his books in it, listed in alphabetical order, and it appears that he dedicated his life to authoring. He died less than 78 years old, 909 years after the Hijrah. Now as to the book - the book is a small Matn. It's a small outline.

The author didn't write this book independently. It was a chapter from a much larger two volume book. And let me break this down to you, so you get an idea about the history behind this book and the vast knowledge of the author at the same time. The author wrote a much larger book. From its description it appears to be a voluminous encyclopedia on various Islamic Knowledges, and he called it Jāmi'ul-'Ulūm. I don't think that book exists today. From what I know, it's not available as a manuscript, nor is it printed. It's probably among those books that are written by 'Ulamā' that end up getting lost or destroyed over the years.

How do we know that book exists – Jāmi'ul-'Ulūm? The author in another book, the book I told you that is his only book that I read, in the first page of the introduction of Zubadil-'Ulūm, he referred to Jāmi'ul-'Ulūm. That's how we know of its existence. The author said, in summary, "*I saw that my book Jāmi'ul-'Ulūm, which contained the sciences of knowledge around us, was too big and too difficult for people to understand. So, I wrote a smaller, easier book for Tulāb Al-'Ilm to benefit from. And then he said, I sought Allah's* سبحانه و تعلى *aid and sought to take all the information written in this book solely out of the ocean of my mind without using any references and my success is only from Allah* وما توفيقي إلا بالله*. And I named this book Zubadil-'Ulūm wa Sāhibul Mantūqi wal Mafhōm.*" He wrote Jāmi'ul-'Ulūm, which we don't have. He summarized it in Zubadil-'Ulūm, which we do have – it was written totally from his mind without any references, and it's printed.

In Zubadil-'Ulūm, the two-volume summary of his encyclopedia, there's a section on Usūl Al-Fiqh. There is a chapter on Hadith. There's a chapter on the sciences of Hadith. There's a chapter on Tafsīr. There's a chapter on Qira'āt, there's a chapter on grammar, on medicine, on inheritance, on sects and creeds. There's over 40 different chapters included in that two-volume book. He has a chapter on Usūl Al-Fiqh, then a chapter on, Furū' Al-Fiqh. Those pages before you were a small chapter taken out of Zubadil-'Ulūm. From what's new to me – and I just learned it in the past few days – is that Abdul-Salām Ash-Shuway'ir, who I was informed is a teacher in the Haram – I don't know him, but I recognized from his name, his father, who I do know very well back in our previous contact and communication and visits and Hajj stays with Ibn Bāz. My father met Ash-Shuway'ir because he was always around Shaykh Ibn Bāz because he was a close adviser and a writer around Ibn Bāz. And he became very well acquainted with my father, and he respected my father tremendously – that's the father. Ash-Shuway'ir – the son – pulled the chapter on Fiqh from Zubadil-'Ulūm recently. I'm not sure when, and he published it as an independent book, which was a great idea for Tulāb Al-'Ilm. Because when it was suggested to me by my dear and beloved brother to teach this book, I was actually surprised that Tulāb Al-'Ilm in the west would know of it. It was buried in Zubadil-'Ulūm, and by pulling it out and making it an independent book and publishing it like that, he actually brought it back to life.

Imagine, there's many Mutūn on all the Madhāhib. On Madhhab Al-Hanbali as well, and they have tens upon tens of elucidations and explanations and works. And I don't think this one in its 500 years of existence has any elucidation that reached us other than one that I know of by Ibn Jibrīn. And I was informed – I haven't seen them yet, but I was informed that there's more recent elucidations after it was made an independent book.

The book Furū' Al-Fiqh is considered a Matn which means it's an outline. It's a summary. It's the opposite of a Sharh or a Hāshiah. It's the opposite of an elucidation or an explanation. Matn is a form of an outline. It's short, summarized in easy words, simple sentences. And it's like that, so one can easily memorize it. The Mutūn are short but deep in meaning, and that's so Tulāb Al-'Ilm can perfect those sciences. And they act like a map of that knowledge so one can go off from that. Mutūn were known from early centuries and before Mutūn were called Mutūn, their earlier name was Mukhtasarāt – summaries. Some Mutūn in this context, are regular simple sentences. Some come in the form of poetry. Some Mutūn are to explain a particular science of Islam like the one before us.

It's a Matn on what? Fiqh. Fiqh of what? Hanbali madhhab. Al-Usūl Athalāthah is a Matn, a Matn on what? On Tawheed. Some were made to help summarize and outline a certain science of Islam. Some were written to summarize a certain specific book like Alfiat Al-Irāqi. It was a summary for Muqadimat Ibn Salāh. Don't confuse Matn in this context, with Matn in the hadith context. When it's used in the Hadith context, Matn means whatever follows the chain, the statement or saying or actual wording of the hadith following the chain of narrators.

The purpose of Mutūn is to have an outline of that particular science to work off from. Memorizing is greatly recommended and it's the method of a lot of the previous 'Ulamā'. You don't want to be one whose 'Ilm is only notes and iPads and computers in front of them. That's not the kind of people I raise. Using notes or iPads may not always be criticized when giving a talk or teaching. But when that's a person's entire storage of 'Ilm – that's a problem.

A lot of times those who are familiar and read a lot, they notice when they hear certain Halaqāt or Khutab or talks, the entire talk was no more than a plagiarized copy and paste. If that's the level of the person, it's OK. But for him to think he's a mufti and a 'Alām and a Mujadid and the 'Ummah has never seen his like - that's a problem. At-Tāhir Ibn 'Āshūr said *a 'Ālim can't be called a 'Ālim unless he memorizes a lot –*

لا يعتبر العالم عالم ما لم يكن كثير الحفظ

Ash-Shāfi'i and others, like Ash-Sha'bi رحمهم الله, Allah blessed them with like, a miracle in memorization. Ash-Sha'bi actually said, I never wrote black on white, meaning I never wrote anything, except I memorized it and no one has ever mentioned any hadith in front of me, except I memorized it from the first time without having to ask him to repeat it. And if anyone was to collect that which I forgot and memorize it, he would become a 'Ālim.

Ibn Abil-Hadith, said

و بعض فالعلم إذا لم ينضبت بالحفظ لم ينفع

*If you don't stabilize your knowledge with some memorization, it'll become useless.*

من حفظ المتون حاز الفنون

*Memorizing the Mutūn acquires the arts.* The person memorizing Mutūn will continue to speak, even if he loses his eyesight or books or notes or iPad or computer. Some who you see speak, the extent, and some, the outmost of their knowledge, is the iPad in front of them. That's not where Tulāb Al-'Ilm store their 'Ilm – one technical error would render that person speechless. If that were to vanish, or the internet searches generally were to vanish, along with their shaykh Google and their shaykh Maktaba-Ashāmila, they would vanish with it! In fact, if the internet were to vanish many couldn't even go to an Islamic physical library and prepare a small talk from the actual physical references. Knowledge, beneficial knowledge is what's in the hearts.

وَلَقَد آتَينا داوودَ وَسُلَيمانَ عِلمًاۖ وَقالَا الحَمدُ لِلَّهِ الَّذي فَضَّلَنا عَلىٰ كَثيرٍ مِن عِبادِهِ المُؤمِنينَ

(Surat An-Naml Ayah 15)

*We granted knowledge to Dawūd and Sulaiman*, what did they say? Alhamdulillah that Allah سبحانه و تعلى privileged us over many. So how did they get privileged? With the knowledge! Knowledge that's in the hearts and minds.

Mutūn are like a seed. You know how a seed is to a tree? You put the seed, then there's a trunk. Then there's branches, then there's leaves from that seed. The seed is the Matn, and then you build on it by learning it. When you learn without a Matn it's like filling a cup with no bottom. The water will go in, but it starts to seep from the bottom.

Memorizing [the Mutūn] has many other benefits, like making one eloquent and exposing him to a variety of vocabulary. Memorization is like physical workouts. The more you work out, the more you'll see progress and gain strength. Hifdh stimulates the mind. And if you're consistent, you'll see your ability increase. And you shouldn't overburden yourself, especially when starting out – because you'll quit. With the exception of very few people who Allah سبحانه و تعلى granted the special photographic memory like Ash-Shafi'i and Ash'abi رحمهم الله. Allah created the general masses with very similar abilities in memorization. Some may be a little bit slower than others, but they can catch up and make up for it by working a little bit harder.

If memorization is extremely difficult, then you try your best to understand to near memorization. Read it and go over it again and again until you're able to repeat it thoroughly, even in meaning. In Al-Usūl Athalāthah, those of you remember, when we had the discussions before or after class, every single individual was able to either recite – and those who didn't recite were at least able to explain the Matn thoroughly. A factor that may have helped in that was that we went over the book in depth and in detail, and we moved slowly. Alhamdulillah.

You must keep in mind that we're humans and our life is very short, and our abilities are very deficient. So, one needs to choose the sciences he learns. An-Nawawi رحمه الله suggested and gave priority of some sciences over others. And within those sciences, one chooses the mutūn in the books that he memorizes and learns and comprehends to avoid burning himself or herself out. And by that, they'll leave Talab Al-'Ilm altogether, and this happens quite frequently, and we're asked about it constantly. And [if] you don't memorize - that's it, or understand, that's it. It's not going to be stuck in your mind forever. It needs to be reviewed - what you memorized and what you understood and learned. Otherwise, it will flee. If the word of Allah سبحانه و تعلى that's made easier to memorize is more liable to escape than a hobbled camel, then imagine man made or written books and poems.

When they confiscate our books in prison or otherwise, we see firsthand the devastating impact on forgetting because one isn't able to review.

The next point is the title. The book is called Furū' Al-Fiqh. Furū' literally means branches or sections. Fiqh literally means understanding or comprehending. The terminological definition is what Ibn Hazm and others said. Knowledge of Fiqh is the knowledge of the rulings of the Sharī'ah that are derived from the Qur'ān and the Sunnah. It's the study of Islamic jurisprudence, the Sharī'ah – the Halāl and the Harām. The more scholarly definition is:

العلم بالأحكام الشرعية العملية من ادلتها التفصيلية

It's the knowledge - *Fiqh is the knowledge of learning religious practical matters and rulings that are deduced from the detailed sources*, and that's very important – from the detailed sources. That statement shows it's the opposite of Usūl Al-Fiqh. Usūl has general proof. Furū' Al-Fiqh that we're studying has detailed proof. The fruit of this knowledge is that you know purification, Salāh, Hajj, rights and responsibilities of others. 'Ibādah, Hudūd and its rules and regulations and details, dividing inheritance and so on. That was Furū Al-Fiqh, the branches. What's the trunk? The trunk is Usūl Al-Fiqh. Usūl linguistically means origin of something.

The terminological definition is knowing how to derive at rulings from the Qur'ān and the hadith and Shari'i evidence. Usūl is like the trunk of the tree and the branches would be Furū' Al-Fiqh. Usūl would be like the river, and Furū' would be the channels coming out from that river. Usūl is like an umbrella that shades the branches. Usūl, unlike Furū' – deals with general evidence of Fiqh, and how to put them in use – and who does that job? A Mujtahid. He's the one who deals with that process.

Compilation wise, the first book written on Usūl Al-Fiqh is the famous well-known book called Ar-Risālah by Imam Ash-Shafi'i رحمه الله تعلى, and it remained a reference for a very long time until the 'Ulamā' after him began to write their own Usūl books based on their own madhhab. Of course, the knowledge of Usūl Al-Fiqh goes back all the way to the Qur'ān and the Sunnah.

The Matn we're going to study inshā'Allah is a Fiqh summary. In fact, if it's not the most summarized Fiqh Matn there is, it's near close to it. The only one I can think of that comes close to it, and how short it is Matn Al-Ghāyah Wa-Taqrīb, which is on the Shafi'i madhhab.

This book wasn't my choice. It was suggested to me by a very dear and beloved brother. It's a Hanbali Fiqh book, but if I was given a Shafi'i Matn like Matn Abī Shujā' or a Māliki Matn like Mukhtasar Khalīl or a Hanafi Matn like Mukhtasar Al-Qaddūri, I would teach any of those various Mutūn on any of the Madhāhib very similar to how we're going to go over this.

And the conclusion of any Fiqh concept would be the same all throughout any one of those books, because it's the dalīl that really matters.

When we covered some chapters from Zād Al-Mustaqni', which is also on the Hanbali Madhhab, you noticed sometimes the opinion of another madhhab was the one that was chosen. In fact, books like Bulūgh Al-Marām and those like it, which is a Hadith book categorized under Fiqh sections, for example, there's a book on purification, or Salāh or funerals or Zakāt or Siyām or marriage or business, under each section, there's a hadith or some ahādith. If I were to teach that or this Matn today, or the Matn of any of the various madhāhib – the conclusion of what a student of 'Ilm gets as a selected and correct opinion from me would be the same, because it's based on proof.

So the method I will teach it will benefit bi'thniAllāh ta'alā, anyone who follows any madhhab or no madhhab. This book is a beginner's book in Fiqh. And that's the appropriate way to climb the ladder of knowledge. You start with the beginner [level] and move up. One of the more advanced books on the Hanbali Madhhab of Fiqh is Ibn Qudāmah's Mughni. And it wouldn't be appropriate for a beginner to grab some volumes from there and start with that. There's a saying that food for adults kills toddlers. A toddler can't digest delicious, healthy food that older people consume. Skipping steps when climbing the ladder will make you fall. Ibn Qudāmah رحمه الله wrote books for the various levels of students of 'Ilm in this madhhab.

For example, he wrote 'Umdatul-Fiqh for first level students of 'Ilm on the Hanbali madhhab. He mentions one opinion in it, then he wrote Al-Muqni' - a slight step above that one. He mentions multiple opinions for the issues, but leaves out the proof. Both are beginner books. One is a small step above the other. Then he went to an intermediate level and wrote Al-Kāfi Fī Fiqh Al-Imām Ahmad. He mentions disputes within the madhhab and he would select one with the proof. Then he took it a step further and he wrote Al-Mughni, which is the highest level of his writing on the madhhab. He mentions disputes and proofs and other details. Point being, 'Ulamā' wrote for various levels of knowledge, and that's how it should be attained.

This book we're about to go over – Furū' Al-Fiqh – is not that popular as those by Ibn Qudāmah and others, but it's a great one. It serves as a map and the outline in your journey. Not only for Fiqh of madhhab Al-Imām Ahmad, but it could be an outline for Fiqh in general – if taught that way. It's good that it encompasses most of the various chapters of Fiqh and a student of 'Ilm must go over all the chapters. And even though it's summarized and a beginner's book, the book itself can be taught as a beginner or an intermediate, or an advanced level. I don't teach it as a beginner style only. I'll be teaching inshā-Allah in an intermediate or closer to borderline advanced in some issues. Teaching it intermediate to advanced will also encompass beginners, inshā-Allah, so they'll grasp everything, inshā-Allah. Overall, the author tried to keep the book extremely simple and summarized - as Mutūn should be.

And this one is extremely short, as I said. He breaks down Fiqh into categories in a nice, clear outline, somewhat different from other Mutūn. And you'll see when we get into it. He encompasses most of the branches of Fiqh but he left out some, either because he wanted it very summarized or because we said it's from his memory. And he might have forgotten or missed out on some of them.

Based on the request that I got we'll have some quizzes that will be sent out and given to you, and some suggested to give a certificate at the end. If that happens inshā-Allah there will be a verbal test based on that, and a certificate will be given if anyone wants it. I'll do it for the brothers and we'll have a Tālibat 'Ilm do it for the sisters. There's no charge. There's no registration. There are no forms to fill out – and you do know I think that's ridiculous stuff to do.

So, alhamdullilah we will start next week with this book. Jazākum Allahu khair,

و صلى الله على سيدنا محمد و على آله و صحبه و سلم